



NVDCINST 16713

NOTICE OF CLAIM OF LIEN

These are general instructions highlighting the minimum filing and recording requirements. There is no OMB approved Notice of Claim of Lien form. Guidance on the elements and validity of a maritime lien should be obtained through private legal counsel in accordance with 46 CFR Part 67.250.

DISCLAIMER: NEITHER THE FILING OF A NOTICE OF CLAIM OF LIEN NOR THE ACCEPTANCE BY THE COAST GUARD OF SUCH A NOTICE IS A GUARANTEE THAT THE CLAIM IS VALID OR ENFORCEABLE.

To be Filed and Recorded a Notice of Claim of Lien must:

- Recite:
 - (i) Name and official number of vessel
 - (ii) Name and address of each claimant
 - (iii) Nature of lien claimed
 - (iv) Date on which the lien was established and
 - (v) The total amount of lien claimed
- Be signed by or on behalf of each claimant and include a date of execution.
- Contain an acknowledgement/notarization.
- Contain a declaration stating that:
 - (a) The information in the notice is true and correct to the best of the knowledge, information, and belief of the individual who signed it.
 - (b) A copy of the notice, as presented for recordation, has been sent to each of the following:
 - (i) The owner of the vessel;
 - (ii) Each person that recorded under subsection (a) of 46 USC §31343, an unexpired notice of a claim of an undischarged lien on the vessel;
 - (iii) The mortgagee of each mortgage filed or recorded under section §31321 of this title that is an undischarged mortgage on the vessel.

A declaration filed by a person that is not an individual must be signed by the president, member, partner, trustee, or other individual authorized to execute the declaration on behalf of the person.

- Be accompanied by a fee of \$8 per page. **One page with information on both the front and back is considered TWO (2) pages.**

Instructions:

- 1) Submit only one original or copy. A copy of the instrument will be returned. Originals will NOT be returned.
- 2) A notice of claim of lien is not entitled to filing and recording unless the vessel against which the lien is claimed is documented or has an Application for Documentation filed with the NVDC.
- 3) A notice of claim of lien may not bear a material alteration.
- 4) Checks and money orders payable to U.S. Coast Guard, or credit card payments with accompanying CG-7042 Authorization for Credit Card Transactions are also accepted and must accompany your application. Fees are non-refundable as per 46 CFR 67.500(d).
- 5) Documents may be mailed to the NVDC using the information on page one (1) or sent via e-mail to: NVDC.PDF.FILING@uscg.mil

Expired Notice of Claim of Lien

In accordance with 46 USC § 31343, as amended, the spirit and intent of the expiration provision is carried out by relieving additional lien claimants from having to notify old claimants (whose Notices of Claim of Lien (NCL) have expired) of new NCLs. The Abstract of Title (A/T) is a historical record of transactions and encumbrances regarding a vessel and filings are not "removed." It should also be borne in mind that, in accordance with 46 USC § 31343(f), the filing or expiration of an NCL "does not alter in any respect the law pertaining to the establishment of a maritime lien, the remedy provided by such a lien, or the defenses thereto, including any defense under the doctrine of laches."